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ACE/1745

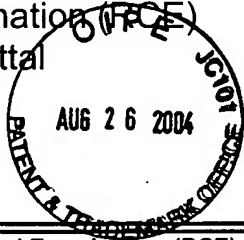
PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request for Continued Examination (RCE) Transmittal

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Application Number	10/049,705
Filing Date	June 17, 2002
First Named Inventor	Karl FOGER et al.
Art Unit	1745
Examiner Name	Raymond Alejandro
Attorney Docket Number	A-71327/DJB/VEJ

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. _____
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 770.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Victor E. Johnson	Registration No.	41,546
Signature		Date	8/23/2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Patricia A. Diehl	Date	8-23-04
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Karl FOGER *et al.*

Application No. 10/049,705

Filed: June 17, 2002

For: FUEL CELL SYSTEM



Art Unit: 1745

Examiner: Raymond Alejandro

Docket No.: A-71327/DJB/VEJ

Certificate of Mail (37 C.F.R. § 1.8(a))

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Patricia A. Diehl
Patricia A. Diehl

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

☒ Transmitted herewith is:

- 1) Request for Continued Examination (RCE) Transmittal;
- 2) AMENDMENT AND REPLY
- 3) A check in the amount of \$770.00; and
- 4) One return receipt postcard.

☐ Applicant is a small entity. See 37 CFR § 1.27(c).☒ The fees have been calculated as shown below:

	Claims Remaining After Amendment	Minus	Highest Previously Paid For	Present Extra	Small Entity Rate Fee	OR	Other than a Small Entity Rate Fee
Total Claims	21	-	21	0	x 9 = \$		x 18 = \$0
Ind. Claims	2	-	3	0	x 43 = \$		x 86 = \$0
[] Multiple Dependent Claim Presented and Fee not Previously Paid					+145 = \$		+290 = \$0
					TOTAL \$		TOTAL \$0

Total Additional Claims Fee: \$ 0

Extension of Time Fee: \$ 0

Other fees: \$ 770.00

TOTAL FEES: \$ 770.00

- ☐ No fee is required.
- ☒ A check including the amount of the above indicated TOTAL FEES for \$ 770.00 is attached.
- ☐ Please charge Deposit Account No. 50-2319 (Order No. 461124-00021; Docket No. A-71327/DJB/VEJ) in the amount of \$ ____.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time and for the presentation of extra claims, or credit any overpayment to Deposit Account No. 50-2319 (Order No. 461124-00021; Docket No. A-71327/DJB/VEJ).

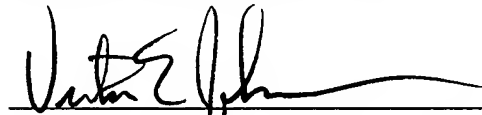
Respectfully submitted,

DORSEY & WHITNEY LLP

Date:

8/23/2004

By:


Victor E. Johnson, Reg. No. 41,546

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Telephone: (415) 781-1989 Facsimile: (415) 398-3249

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

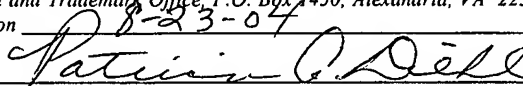
In re application of:

Karl FOGER et al.

Application No. 10/049,705

Filed: **June 17, 2002**For: **FUEL CELL SYSTEM**Art Unit: **1745**Examiner: **Raymond Alejandro**Docket No.: **A-71327/DJB/VEJ**Certificate of Mail (37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on 8-23-04


Patricia A. Diehl

Mail Stop RCE
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REPLY

Sir:

Responsive to the Office Action of June 15, 2004, Applicants submit the following Amendment and Remarks. Submitted herewith is a Request For Continued Examination Under 37 C.F.R. § 1.114 of the above-identified application.

AMENDMENTS

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Amendments to the Drawings begin on page 5 of this paper and include an attached replacement sheet. Remarks, including arguments, begin on page 6 of this paper.